

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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**SENATE BILL 676
Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/3/11
Third Edition Engrossed 5/12/11**

Short Title: Clarify Water & Well Rights/Private Property.

(Public)

Sponsors:

Referred to:

April 20, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY LANDOWNERS' RIGHTS OVER WATER ON THEIR PROPERTY
3 AND THE CONSTRUCTION OF WELLS ON THEIR PROPERTY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 87-97(a) reads as rewritten:

6 "(a) Mandatory Local Well Programs. – Each county, through the local health
7 department that serves the county, shall implement a private drinking water well permitting,
8 inspection, and testing program. Local health departments shall administer the program and
9 enforce the minimum well construction, permitting, inspection, repair, and testing requirements
10 set out in this Article and rules adopted pursuant to this Article. No person shall unduly delay
11 or refuse to permit a well that can be constructed or repaired and operated in compliance with
12 the requirements set out in this Article and rules adopted pursuant to this Article."

13 **SECTION 2.** G.S. 87-97(e) reads as rewritten:

14 "(e) Issuance of Permit. – The local health department shall issue a construction permit
15 or repair permit if it determines that a private drinking water well can be constructed or
16 repaired and operated in compliance with this Article and rules adopted pursuant to this Article.
17 The local health department may impose any conditions on the issuance of a construction
18 permit or repair permit that it determines to be necessary to ensure compliance with this Article
19 and rules adopted pursuant to this Article. Notwithstanding any other provision of law, no
20 permit for a well that is in compliance with this Article and the rules adopted pursuant to this
21 Article shall be denied on the basis of a local government policy that discourages or prohibits
22 the drilling of new wells."

23 **SECTION 3.** G.S. 87-88(k) reads as rewritten:

24 "(k) Abandonment of Wells. –

- 25 (1) Temporary Abandonment: When any well is temporarily removed from
26 service, the top of the well shall be sealed with a water-tight cap or seal.
- 27 (2) Permanent Abandonment: Any well that is to be permanently abandoned
28 shall be filled, plugged, or sealed in such a manner as to prevent the well
29 from being a channel allowing the vertical movement of water and a source
30 of contamination of the groundwater supply.
- 31 (3) Abandonment of Water Supply Wells for Other Use: Any water supply well
32 that is removed from service as a potable water supply source may be used
33 for other purposes, including, but not limited to, irrigation, commercial use,
34 or industrial use, and such well is not subject to either subdivision (1) or (2)
35 of this subsection during its use for other purposes. For purposes of this



1 subsection only, "water supply well" includes wells constructed by an
2 individual on land which is owned or leased by the individual, appurtenant
3 to a single-family dwelling, and intended for domestic use (including
4 nonpotable household purposes, farm livestock, or gardens)."

5 **SECTION 4.** This act is effective when it becomes law.